

Remarks

The Office Action of December 1, 2006 rejects claims 1-6, 8-10, 12-17 and 19-20 as anticipated by McIlroy et al. Claim 11 is rejected as anticipated by Coutre.

Claim 11 is also objected to as having an extra "the," which the present amendment removes.

McIlroy is concerned only with gathering data to prepare reports. It is not concerned with providing updated treatment guidelines to medical devices. This can be accomplished, in one embodiment, by a remote computer system that is in communication with a medical device. The updating function is clearly lacking in McIlroy and, as amended, the claims present a novel and nonobvious system and method for directly updating one or more medical devices (e.g. an infusion pump) with updated and/or revised treatment guidelines.

Regarding amended claim 11, Coutre does not disclose " means to update treatment guidelines in the medical devices" as now claimed. So, in view of this amendment and for the reasons previously given, Coutre does not anticipate claim 11.

Support for the claim amendments can be found, for example, in Paragraphs 81 and 85:

"The treatment parameters for a medication administration, for example, would include medication administration device operating parameters, such as dosage, frequency of administration, flow rates, and infusion duration. Treatment parameters may also comprise physiological parameters as measured by vital signs monitoring devices, other sensors or laboratory tests.

"In one embodiment, the determined guidelines may be automatically integrated into a database of medical treatment guidelines. The database may be stored in a medication administration device or an associated bedside CPU." (emphasis added)

Further support is provided in Paragraph 98:

"In an embodiment of the present invention, where the medication is to be delivered using an infusion pump, such as the infusion pumps 92 attached to the bedside CPU 80, ***the care management system automatically downloads information consisting of the appropriate configuration parameters for the infusion from the pharmacy CPU 60 through the local area network 50 into the beside CPU 80 and then into the infusion pump 92*** when the verification function of the medical administration management module 110 is complete." (emphasis added).

Support for new claim 23 claiming an alarm system that is activated when, for example, a nurse or caregiver enters erroneous values for a revised guideline into a medical device, is found in paragraph 100.

Request for Extension of Time

A three month extension of time is hereby requested. Any extensions of time that are required in any future paper, are hereby requested in advance. Withdrawal from Deposit Account No. 06-2425 listed below may be made for any such extension of time needed in the future.

Request for Continuing Examination

The Office Action of December 1, 2006 is a Final Office Action. Consequently Applicant hereby requests an RCE.

Deposit Account Authorization

The Commissioner is authorized to charge Deposit Account No. 06-2425 for any unforeseen fees arising from the filing of this paper, as well as for the fees for the RCE, the extension of time, and for one (1) additional independent claim.

Respectfully submitted,
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